

Electronically Submitted
6/20/2024 3:22 PM
Hidalgo County Clerk
Accepted by: Alexis Medina

CAUSE NO. CL-24-2658-A

DALIA NIEVES	§	IN COUNTY COURT
<i>Plaintiff,</i>	§	
	§	
V.	§	AT LAW NO. _____
	§	
PHARR - SAN JUAN - ALAMO	§	
INDEPENDENT SCHOOL DISTRICT	§	
<i>Defendant.</i>	§	HIDALGO COUNTY, TEXAS

PLAINTIFF DALIA NIEVES' ORIGINAL PETITION

TO THE HONORABLE COURT:

COMES NOW, DALIA NIEVES, (hereinafter referred to as Plaintiff) complaining of PHARR - SAN JUAN - ALAMO INDEPENDENT SCHOOL DISTRICT, (hereinafter referred to as the Defendant School District or PSJA ISD) and for such causes of action would respectfully show unto the Court and the Jury, as follows:

I.
Discovery Level

1.1 Discovery in this litigation is intended to be conducted under Level 3, Texas Rule of Civil Procedure 190. The damages in this case are in excess of \$200,000.00 but do not exceed the jurisdictional limit of \$750,000.00. This court has jurisdiction over the parties and over the controversy because the damages are within the jurisdictional limits of the court.

II.
Parties

2.1 Plaintiff, DALIA NIEVES, is an individual residing in Pharr, Hidalgo County, Texas.

Electronically Submitted
6/20/2024 3:22 PM
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CL-24-2658-A

2.2 Defendant, Pharr - San Juan - Alamo Independent School District, is a political subdivision, namely a school district, duly licensed to conduct business in the State of Texas and may be served pursuant to the Texas Rules Civil Procedure by serving its Superintendent via Certified Mail Return Receipt Requested, as follows

Dr. Alejandro Elias
601 E Kelly Avenue
Pharr, Texas 78577

2.3 Service of citation is requested *via Certified Mail, Return Receipt Requested.*

III.

Venue and Jurisdiction

3.1 Venue is proper in Hidalgo County, Texas in that the incident made the basis of this cause of action occurred in Hidalgo County, Texas.

IV.

Exhaustion of Administrative Remedies

4.1 Within 180 days of the occurrence of the acts complained of, plaintiff filed her initial complaint with the Texas Workforce Commission – Civil Rights Division, formerly known as the Texas Commission on Human Rights, alleging that the Defendant employer had committed unlawful employment practices against the Plaintiff in violation of the Texas Commission on Human Rights Act (“TCHRA”). The formal charge and the “Notice of the Right to File A Civil Action Letter” were filed and received as follows:

Formal Complaint Filed: June 21, 2023

Notice of Right to File

A Civil Action Letter Received: April 24, 2024

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CL-24-2658-A

4.2 On April 24, 2024, Plaintiff received from the Texas Workforce Commission – Civil Rights Division, formerly known as the Texas Commission on Human Rights, Plaintiff's Notice of Right to File A Civil Action letter allowing the Plaintiff to file this lawsuit within sixty days of its receipt. Plaintiff's statutory claims have been filed within sixty days of its receipt. A copy of this notice is attached as Exhibit "A" and is incorporated for all purposes by reference. Plaintiff further invokes the relation back theory as well as any and all equitable doctrines necessary to satisfy the administrative requirements set forth by law. All conditions precedent to the filing of this lawsuit and as required by law have been performed or have occurred.

V.

Factual Background

5.1 On or about June 18th, 2004, Ms. Nieves was hired by PSJA Independent School District as a Custodian Supervisor. Ms. Nieves served the district with hard work, dedication and undivided loyalty. As a result of her perseverance, she was earning approximately \$62,000.00 annually. Ms. Nieves faithfully served PSJA ISD with twenty years of service. However, during the last six months of her employment, Ms. Nieves was subjected to discriminatory animus, disparate treatment and/or a hostile work environment on account of her age (55; DOB: 06/20/1968) and/or on account of her gender (female) and/or on account of political retaliation in violation of the First Amendment by the PSJA Board of Trustees as a result of its board majority shift in or around November 2022. Dr. Elias was the principal at the same time I was the Custodian Supervisor for PSJA. Dr. Elias isolated Ms. Nieves away from her responsibilities of a supervisor by not allowing her to make decisions and/or informing her of activity in the Maintenance Department, the department she was responsible for. Shortly thereafter, Dr. Elias was selected as Interim Superintendent for PSJA ISD. After the Christmas vacations, he stated Ms. Nieves'

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position was closed. Dr. Elias used his power with the school district to create a hostile work environment and PSJA ISD allowed this illegal behavior to persist. PSJA ISD made Ms. Nieves feel less than other supervisors based on her age and gender. In or around June, Ms. Nieves was the only female Custodian Supervisor, and she was being treated less favorably than the male supervisors. Her office was not located with rest of the male supervisor in the front. Supervisors had company trucks to use during work hours. Ms. Nieves received one for six months and then it was given to another supervisor. Ms. Nieves was left with a truck that would spontaneously turn off and which had a broken seat and no air conditioning. All supervisors received a phone allowance of \$50.00. Ms. Nieves received \$25.00. Ms. Nieves did not receive any office plaque on her office door like the rest of the male supervisors in the building.

6.2 Ms. Nieves was repeatedly, negatively, called “Trump” by her coworkers from the Maintenance Department because she is from Brooklyn, New York. PSJA ISD did not afford an Equal Employment Opportunity when she was being treated less favorably than other supervisors. Ms. Nieves was never warned about any performance deficiency or previously written up. On or about November 2022, the district had the yearly election. Dr. Alejandro Elias was chosen as the Interim Superintendent. It was decided that Ms. Nieves was to remain in the same position (Head Custodian) but with a \$10 per hour decrease in pay. After working with the Defendant school district for many years, Ms. Nieves was being wrongfully demoted without a reason. On or about February 21st, 2023, Ms. Nieves was constructively discharged. Ms. Nieves was humiliated by the respondent’s actions towards her. Ms. Nieves had been an excellent employee with good attendance and performance. As such, there was no reason for the district to decrease her pay without a justifiable reason.

Electronically Submitted
6/20/2024 3:22 PM
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CL-24-2658-A

VI.

Causes of Action

Violations of the Texas Commission on Human Rights Act

6.1 Plaintiff re-alleges the allegations contained in Section V, entitled *Factual Background*.

6.2 On or about February 21, 2023, due to the actions of Superintendent Dr. Alejandro Elias, the Plaintiff was not offered a position with the Defendant School District. Plaintiff is a qualified individual who can perform the work of a Supervisor of Custodians as she has been performing that work for the last 20 years. Plaintiff Dalia Nieves was considered a valuable member of the team. However, after the illegal acts of Dr. Alejandro Elias, Plaintiff suffered unlawful discrimination and the district failed to reasonably maintain Ms. Nieves' employment.

6.3 During the last six months of her employment, Plaintiff Dalia Nieves was subjected to discriminatory animus, disparate treatment and/or a hostile work environment on account of her age (55; DOB: 06/20/1968) and/or on account of her gender (female), and/or due to political retaliation in violation of the First Amendment by the PSJA ISD Board of Trustees as a result of its board majority shift in or around November 2022. Ms. Nieves is over the age of 40 and a female. Ms. Nieves is qualified for her job of Custodian Supervisor in that she has twenty years of experience. Ms. Nieves was constructively discharged for illegal reasons.

6.4 Ms. Nieves has been discriminated against and/or retaliated against as well as subjected to discriminatory animus, disparate treatment and/or a hostile work environment in violation of the Age Discrimination in Employment Act ("ADEA"), as amended, the Older Worker Benefit Act ("OWBPA") as amended, Title VII of the Civil Rights Act of 1964, as

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CL-24-2658-A

amended, and/or in violation of the Texas Commission on Human Rights Act ("TCHRA"), as amended.

6.5 Plaintiff further asserts and intends to prove that the mistreatment received by her was part of a pattern and practice engaged in by the Defendant employer towards the Plaintiff and others similarly situated.

Section 21.051 Discrimination by Employer

An employer commits an unlawful employment practice if because of *race*, color, disability, religion, **sex**, national origin, or **age**, the employer:

1. *Fails or refuses to hire an individual, discharges an individual, or discriminates in any other manner against the individual in connection with compensation or the terms, conditions, or privileges of employment;* or
2. *Limits, segregates or classifies* an employee or applicant for employment in a manner that would deprive or tend to deprive an *individual of any employment opportunity or adversely affect in any other manner the status of the employee.*

(West 2017)(emphasis added).

Section 21.055, Retaliation

An employer, labor union or employment agency commits an unlawful employment practice if the employer, labor union or employment agency *retaliates* or *discriminates* against a person who, under this Chapter:

1. *Opposes discriminatory practice;*
2. Makes or files a charge;
3. Files a complaint; *or*
4. Testifies, assists or participates in any manner in an investigation, proceeding or hearing.

(West 2017) (emphasis added).

Electronically Submitted
6/20/2024 3:22 PM
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CL-24-2658-A

6.10 As a result of the discriminatory and/or retaliatory treatment and/or other wrongful conduct described above, Plaintiff has suffered compensable damages as further alleged in this Petition.

VII.

Actual Damages

7.1 As a result of the incident made the basis of this suit, Plaintiff Dalia Nieves has incurred damages in the following respects:

A. Lost Earnings and Special Damages

7.2 At some of the time of the incident complained of, Plaintiff was gainfully employed with the Defendant School District as a Supervisor of Custodians. As a proximate result of the wrongful acts of the Defendant School District, the Plaintiff was unable to attend to her usual occupation and thereby suffered a loss of income for which she hereby sues. As a result of the wrongful acts of the Defendant School District, the Plaintiff's earnings, retirement, and capacity to earn a livelihood were severely impaired. In all reasonable probability, the Plaintiff's loss of earnings and loss of earning capacity will continue long into the future, if not for the balance of the Plaintiff's natural life. Plaintiff therefore sues for any lost earnings in the form of back pay, lost wages, front pay, retirement benefits, fringe benefits, loss of reputational injury, lost future earnings and/or diminished earning capacity to the extent permitted by law, due to the acts complained of above.

B. Past and Future Mental Anguish

7.3 As a result of the incident described above, that is made the basis of this suit, Plaintiff has suffered physical injuries, sickness and/or illness as well as emotional distress, mental anguish, loss of enjoyment of life, pain and suffering, inconvenience and other hedonic damages. The Plaintiff has

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6/20/2024 3:22 PM
Hidalgo County Clerk
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CL-24-2658-A

suffered feelings of anxiety, despair, depression, restlessness, worthlessness, embarrassment and/or inferiority. The Plaintiff has further suffered ill-health effects including but not limited to sleeplessness, depression, anxiety, agitation and loss of self-esteem due to the defendant's discriminatory treatment directed towards her and her illegal denial of employment. In all reasonable probability, the Plaintiff will continue to suffer such physical injuries, sickness and/or illness as well as emotional distress, mental anguish, loss of enjoyment of life, pain and suffering, inconvenience and other hedonic damages for long into the future if not for the balance of her natural life.

IX.**Attorney's Fees**

9.1 By reason of the allegations of this petition and should Plaintiff be designated the "prevailing party", Plaintiff is entitled to recover attorney's fees in a sum that is reasonable and necessary. In this connection, Plaintiff will show that she has employed the undersigned attorneys to assist her in the prosecution of this action.

9.2 Plaintiff further seeks an upward adjustment or enhancement to the lodestar amount of attorney's fees to be determined in the prosecution of this lawsuit. A reasonable attorney's fee is further requested for the work expended in the preparation and trial of this cause along with a reasonable fee for any and all appeals to other courts. If ultimately successful in this case, plaintiff fully expects that the Defendant School District will appeal this case.

9.3 Plaintiff seeks attorney's fees to compensate the Plaintiff for the attorney's fees she has and will incur in the prosecution of this lawsuit, both at trial and on appeal. Plaintiff further pleads for the recovery of reasonable and necessary expenses for the use of associate attorneys, paralegals, legal assistants and/or law clerks that assist in the prosecution of the case. As

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CL-24-2658-A

permitted, Plaintiff also seeks to re-coup all litigation expenses expended in the prosecution of this lawsuit.

X.
Exemplary Damages

10.1 The conduct of the Defendant School District, as set out above, was carried out and constituted such an entire want of care as to constitute a conscious indifference to the rights or welfare of the Plaintiff. Because of the spite, ill-will, malicious and/or fraudulent intent held by the Defendant PHARR - SAN JUAN - ALAMO SCHOOL DISTRICT'S management toward the Plaintiff, such management, acting in a willful and intentional manner, committed certain acts calculated to cause injury and/or damage to the Plaintiff. Accordingly, the Defendant **PSJA SCHOOL DISTRICT** acted with malice, actual malice and/or a specific intent to injure the Plaintiff. The Plaintiff is hereby entitled to recover exemplary or punitive damages to deter such cruel and undignified procedures by the Defendant **PSJA SCHOOL DISTRICT** and its management in the future. Accordingly, Plaintiff requests that punitive damages be awarded against the Defendant **PSJA SCHOOL DISTRICT** as a result of its egregious violations of the law.

XI.
Demand for Trial by Jury

11.1 Plaintiff, by and through her attorney of record, and pursuant to Rule 216 of the Texas Rules of Civil Procedure, makes and files this Demand for Trial by Jury in the above styled and numbered cause. Contemporaneously with the filing of this jury demand, Plaintiff has deposited the required jury fee with the County Clerk of Hidalgo County, Texas. Plaintiff requests that this case be set on the jury docket of the court for disposition in due order and as soon as practicable.

WHEREFORE, Plaintiff, DALIA NIEVES, prays that this Honorable Court grant the following:

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CL-24-2658-A

(1) Judgment against the Defendant, **PHARR - SAN JUAN - ALAMO INDEPENDENT SCHOOL DISTRICT**, for all of the Plaintiff's damages. Plaintiff would respectfully request that should the jury after evaluating all of the credible evidence and after so finding liability based upon the preponderance of the credible evidence in this matter; then in such an event, and if also so found by the jury, Plaintiff would then request damages in line with the credible evidence presented that would fairly and reasonably compensate the Plaintiff for all of the harms and losses that she has sustained throughout this ordeal;

(2) Attorney's fees;

(3) Pre-judgment interest allowed by law;

(4) Interest on said judgment at the legal rate from the date of judgment;

(5) For costs of suit herein; and

(6) For such other and further relief, at law or in equity, to which the Plaintiff may show herself justly entitled to receive and for which she shall forever pray.

Respectfully submitted,

**LAW OFFICES OF
JOSE G. GONZALEZ**

4129 N. 22nd Street, Suite 8
McAllen, Texas 78504
Telephone: (956) 731-4324
Facsimile: (956) 731-4327

By: /s/ Carlos E. Hernandez Jr.

Carlos E. Hernandez, Jr., Of Counsel

State Bar No. 00787681

Attorneys for Plaintiff

DALIA NIEVES

CL-24-2658-A

Exhibit A

DocuSign Envelope ID: 0BA6B9C7-1FE4-4D55-81B1-D934405D64A2

Texas Workforce Commission
A Member of Texas Workforce Solutions
CL-24-2658-A

Tue Apr 23 00:00:00 EDT 2024

Dalia Nieves
c/o Carlos E Hernandez Jr.
Law Office of Jose G. Gonzalez
4129 N. 22nd St. Suite 8
McAllen, TX 78504

Bryan Daniel, Chairman Commissioner
Representing the Public

Alberto Treviño III
Commissioner Representing Labor

Joe Esparza
Commissioner Representing Employers

Edward Serna
Executive Director

RE: **LETTER OF NOTICE OF RIGHT TO FILE CIVIL ACTION**

TWCCRD: 1B23318 EEOC: 31C-2023-01159
RE: Dalia Nieves v Pharr-San Juan-Alamo ISD

Dear Dalia Nieves:

Charging Party alleges that they have been subjected to lack of Wages, Benefits, inequitable Terms and Conditions and Constructive Discharge based on their Age, Sex and Retaliation for engaging in a protected activity. This letter certifies you have submitted a request for a Notice of Right to File Civil Action to the Texas Workforce Commission Civil Rights Division. Upon issuance the TWCCRD will immediately close this case.

The Notice of Right to File Civil Action is on page 2 of this letter and will be sent to the parties electronically at the addresses on file.

DocuSign Envelope ID: 0BA6B9C7-1FE4-4D55-81B1-D934405D64A2

Tue Apr 23 00:00:00 EDT 2024

Dalia Nieves v Pharr-San Juan-
Alamo ISD
CL-24-2658-A

Page 2 of 2

NOTICE OF RIGHT TO FILE CIVIL ACTION

Pursuant to Sections 21.208, 21.252 and 21.254 of the Texas Labor Code, as amended, this notice is to advise you of your right to bring a private civil action in state court in the above referenced case. **PLEASE BE ADVISED THAT YOU HAVE SIXTY (60) DAYS FROM THE RECEIPT OF THIS NOTICE TO FILE THIS CIVIL ACTION.** The time limit for filing suit based on a federal claim may be different.

On behalf of the Division,

Venessa Hernandez for Bryan SnoddyBryan Snoddy
Division Director4/24/2024

Date

cc:

O'Hanlon, Demerath & Castillo P.C
Benjamin Castillo
426 W. Caffery Ave
Pharr, TX 78577



ARTURO GUAJARDO, JR.
HIDALGO COUNTY CLERK
100 N CLOSNER
PO BOX 58
EDINBURG, TX 78540-0058



9214 8901 0661 5400 0196 8157 50

RETURN RECEIPT (ELECTRONIC)

Received: 6/25/24
Time: 8 a.m.
PSJA ISD
Superintendent's Office *bc*

CL-24-2658-A

PHARR-SAN JUAN-ALAMO INDEPENDENT SCHOOL
DISTRICT
SUPERINTENDENT; DR. ALEJANDRO ELIAS
601 E KELLY AVE
PHARR, TX 78577-4905

CUT / FOLD HERE

Zone 1

6"x9" ENVELOPE
CUT / FOLD HERE

CUT / FOLD HERE

CAUSE NO. CL-24-2658-A

THE STATE OF TEXAS
COUNTY OF HIDALGO

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you."

To: PHARR-SAN JUAN-ALAMO INDEPENDENT SCHOOL DISTRICT
SUPERINTENDENT; DR. ALEJANDRO ELIAS
601 E KELLY AVE
PHARR, TX 78577-4905

GREETINGS: You are commanded to appear by filing a written answer to the Plaintiff's petition at or before 10 o'clock A.M. on or before the Monday next after the expiration of twenty (20) days after the date of service hereof, before the Honorable County Court At Law #1 of Hidalgo County, Texas, by and through the Hidalgo County Clerk at 100 N. Closner, First Floor, Edinburg, Texas 78539. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Said Plaintiff's Petition was filed in said Court, on the 20th day of June, 2024 in this Cause Numbered CL-24-2658-A on the docket of said Court, and styled,

DALIA NIEVES

vs.

PHARR-SAN JUAN-ALAMO INDEPENDENT SCHOOL DISTRICT

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Dalia Nieves' Original Petition accompanying this Citation and made a part hereof.

NAME & ADDRESS OF ATTORNEY FOR PLAINTIFF:

CARLOS E. HERNANDEZ, JR.
4129 N 22ND ST STE 3
MCALLEN TX 78504

The officer executing this citation shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at Edinburg, Texas this 21st day of June, 2024.



ARTURO GUAJARDO, JR.
COUNTY CLERK, HIDALGO COUNTY, TEXAS
100 N. CLOSNER
EDINBURG, TEXAS 78539
COUNTY COURT AT LAW #1

BY Alexis Medina DEPUTY
ALEXIS MEDINA

SHERIFF'S/CONSTABLE'S/CIVIL PROCESS

SHERIFF'S RETURN

Came to hand on the _____ day of _____, 20____, at _____ o'clock _____
M., by Deputy (Sheriff/Constable)/Civil Process Server and to-wit the following:

DEFENDANT SERVED

Service was EXECUTED on the above referenced Defendant, in person, in Hidalgo County, Texas and served with
a true copy of this Citation, with the date of delivery endorsed thereon, together with the accompanying copy of the
Plaintiff's Petition, at the following
Date, time, and place, to-wit:

NAME _____ DATE _____ TIME _____ PLACE _____

By: _____
CIVIL PROCESS SERVER

By: _____
DEPUTY SHERIFF/CONSTABLE

DEFENDANT NOT SERVED

Service was ATTEMPTED at the above address on the above referenced Defendant on the following date(s) and
time(s), but to no avail:

NAME _____ DATE _____ TIME _____ PLACE _____

NAME _____ DATE _____ TIME _____ PLACE _____

NAME _____ DATE _____ TIME _____ PLACE _____

By: _____
CIVIL PROCESS SERVER

By: _____
DEPUTY SHERIFF/CONSTABLE

**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF,
CONSTABLE OR CLERK OF THE COURT**

In accordance to rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If
the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be
signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in
substantially the following form:

"My name is _____, my date of birth is _____ and my address is

_____. I declare under penalty of perjury that the foregoing is true and correct

EXECUTED in _____ County, state of Texas, on the ____ day of _____, 20____.

DECLARANT

If Certified by the Supreme Court of Texas
Date of Expiration /PSC Number

RECEIVED

6/24/2024

Hidalgo County Clerk's Office



June 24, 2024

Dear MAIL MAIL:

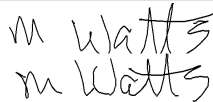
The following is in response to your request for proof of delivery on your item with the tracking number:
9214 8901 0661 5400 0196 8157 50.

Item Details

Status:	Delivered, Front Desk/Reception/Mail Room
Status Date / Time:	June 24, 2024, 3:57 pm
Location:	PHARR, TX 78577
Postal Product:	USPS Ground Advantage™
Extra Services:	Certified Mail™ Return Receipt Electronic
Recipient Name:	PHARR SAN JUAN ALAMO INDEPENDENT SCHOOL DISTRICT

Recipient Signature

Signature of Recipient:



Address of Recipient:



Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

The customer reference information shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Reference ID: 92148901066154000196815750
CL-24-2658-A
PHARR-SAN JUAN-ALAMO INDEPENDENT SCHOOL DISTRICT
SUPERINTENDENT; DR. ALEJANDRO ELIAS
601 E Kelly Ave
Pharr, TX 78577-4905

CERTIFICATE OF RETURN

TRCP 107

This is to certify that on this the **21st day of June, 2024**, I, Alexis Medina, Deputy Clerk of the County Court At Law #1 of Hidalgo County, Texas mailed to **Pharr-san Juan-alamo Independent School District**, Defendant, in Cause No. **CL-24-2658-A**,

Dalia Nieves

Vs.

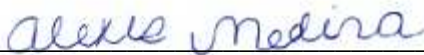
Pharr-san Juan-alamo Independent School District

a copy of Original Petition, by certified mail, return receipt requested. Return receipt was received **on this the 24th day of June, 2024, CLAIMED/ 9214 8901 0661 5400 0196 8157 50**. See attached return.

GIVEN UNDER HAND AND SEAL OF SAID COURT, at office in Edinburg, Texas on this the 1st day of July, 2024



**Arturo Guajardo, Jr., Hidalgo County Clerk
Hidalgo County, Texas**



Alexis Medina, Deputy Clerk

CAUSE NO. CL-24-2658-A

DALIA NIEVES
Plaintiff,§
§
§
§
§
§
§
§

IN THE COUNTY COURT

v.

AT LAW NO. 1

PHARR-SAN JUAN-ALAMO
INDEPENDENT SCHOOL DISTRICT,
Defendant

HIDALGO COUNTY, TEXAS

DEFENDANT'S ORIGINAL ANSWER TO PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

Pharr-San Juan-Alamo Independent School District ("PSJA" or "the District") files its Original Answer to Plaintiff Dalia Nieves's Original Petition and would show the Court the following:

I. GENERAL DENIAL

1. Reserving the right to file other further pleadings, exceptions and/or denials, Defendant generally denies each and every material allegation contained in Plaintiff's Original Petition and demands strict proof thereof in accordance with the laws and the Rules of Civil Procedure of the State of Texas.

II. AFFIRMATIVE DEFENSES

2. Defendant reserves the right to raise affirmative defenses if necessary.

III. PRAYER

Defendant prays that Plaintiff take nothing, and that Defendant be awarded costs and all further relief at law or in equity to which it may be justly entitled.

Respectfully submitted,

/s/ David J. Campbell

David J. Campbell

Texas Bar No. 24057033

dcampbell@808west.com

O'HANLON, DEMERATH & CASTILLO, PC

808 West Ave | Austin, TX 78701

Tel: (512) 494-9949 | Fax: (512) 494-9919

Benjamin Castillo

Texas Bar No. 24077194

bcastillo@808west.com

Andrea Vela

Texas Bar No. 24113522

avela@808west.com

O'HANLON, DEMERATH & CASTILLO, PC

426 W. Caffery | Pharr, TX 78577

Tel: (956) 318-0555 | Fax: (956) 318-1955

Counsel for Defendant PSJA ISD

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing has been served on all attorneys of record as listed below on this the 22nd day of July 2024.

Carlos Hernandez, Jr., Of Counsel

Law Offices of Jose G. Gonzalez

4129 N. 22nd Street, Suite 8

McAllen, Texas 78504

hernandezjrlawfirm@yahoo.com

Counsel for Plaintiff

/s/ David J. Campbell

David J. Campbell

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Kathryn French on behalf of David Campbell
Bar No. 24057033
kfrench@808west.com
Envelope ID: 90013217
Filing Code Description: Answer/Response
Filing Description: PSJA ISD's Original Answer
Status as of 7/22/2024 10:35 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Carlos EHernandez		carlos.hernandezjr@gmail.com	7/22/2024 10:16:54 AM	SENT
Marilynn Villarreal		Marilynn.jgglaw@gmail.com	7/22/2024 10:16:54 AM	SENT

Associated Case Party: Pharr-San Juan-Alamo Independent School District

Name	BarNumber	Email	TimestampSubmitted	Status
David Campbell		dcampbell@808west.com	7/22/2024 10:16:54 AM	SENT
Benjamin Castillo		bcastillo@808west.com	7/22/2024 10:16:54 AM	SENT
Kathryn French		kfrench@808west.com	7/22/2024 10:16:54 AM	SENT
Andrea Vela		avela@808west.com	7/22/2024 10:16:54 AM	SENT